

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CLYDE RAY SPENCER, MATTHEW
RAY SPENCER, and KATHRYN E. TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY JAMES
M. PETERS, DETECTIVE SHARON
KRAUSE, SERGEANT MICHAEL
DAVIDSON, CLARK COUNTY
PROSECUTOR'S OFFICE, CLARK COUNTY
SHERIFF'S OFFICE, THE COUNTY OF
CLARK and JOHN DOES ONE THROUGH
TEN,

Defendants.

No. C11-5424 BHS

**PLAINTIFFS' MOTION FOR
LEAVE TO FILE 10 PAGE
REPLY IN SUPPORT OF
MOTION FOR RELIEF
PURSUANT TO FED. R.
CIV. 56(d), INSTANTER**

Noted for: July 13, 2012

NOW COME Plaintiffs, CLYDE RAY SPECER, et. al., by and through their attorneys,
Kathleen T. Zellner & Associates, P.C., and for their Motion for Leave to File a 10 Page
Combined Reply in Support of their Motion for Relief Pursuant to Federal Rule of Civil
Procedure 56(d), states as follows:

PLAINTIFFS' MOTION FOR LEAVE
TO FILE COMBINED REPLY
(C11-5424 BHS) — 1
DWT 19881802v1 0094078-000001

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1 1. This is a complex civil rights case involving claims under 42 U.S.C. §1983 and
2 related state law claims stemming from the arrest, prosecution and incarceration of Plaintiff
3 Clyde Ray Spencer.

4 2. Defendants have filed motions for summary judgment. Plaintiffs filed a motion
5 in response for relief under Federal Rule of Civil Procedure 56(d), requesting leave to conduct
6 additional discovery prior to responding to dispositive motions.

7 3. Defendants filed replies in support of their motion for summary judgment, and
8 in opposition to Plaintiffs' motion under Rule 56(d).

9 4. Because Plaintiffs bear the burden under Rule 56(d), Plaintiffs hereby seek leave
10 to file a reply, instant, in support of their motion. *Tatum v. City and County of San*
11 *Francisco*, 441 F.3d 1090, 1100 (9th Cir. 2006).

12 5. Rather than addressing each Defendants' response individually, Plaintiffs seek
13 leave to file a combined 10 page reply in support of their motion, pursuant to CR 7(f).

14 6. A copy of the proposed reply is attached as Exhibit A.

15 WHEREFORE Plaintiffs respectfully request leave to file a 10 page combined reply in
16 support of their motion for relief under Rule 56(d), instant.

17 DATED this 2nd day of July, 2012.

18 Davis Wright Tremaine LLP
19 Attorneys for Plaintiffs

20 By s/ Daniel Davies

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CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that on July 2, 2012, I electronically filed foregoing with the Clerk of the Court using the CM/ECF system which will send notification of said filing to the following:

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DATED this 2nd day of July, 2012.

s/ Daniel T. Davies